

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Industry Proposal for) CS Docket No. 97-55
Rating Video Programming)
)

COMMENTS OF THE
CONSUMER ELECTRONICS MANUFACTURERS ASSOCIATION

The Consumer Electronics Manufacturers Association ("CEMA") hereby submits the following Comments in response to the Public Notice ("*Notice*") which the Commission issued in the above-captioned proceeding on September 9 1997.¹

In the *Notice*, the Commission has solicited comments on the revised proposal submitted by the National Association of Broadcasters ("NAB"), the National Cable Television Association ("NCTA"), and the Motion Picture Association of America ("MPAA") describing a revised voluntary industry ratings system for video programming (the "Revised Proposal"). The Revised Proposal adds certain elements to the system of parental guidelines initially submitted by the same parties on January 17, 1997 (the "Industry Proposal").

¹ See "*Commission Seeks Comment on Industry Proposal for Rating Video Programming*", Public Notice, CS Docket No. 97-55, FCC 97-34 (released November 8, 1996) [hereinafter "*Notice*"].

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In its previous comments, CEMA had indicated that it found the Industry Proposal to be acceptable under EIA-608.² Likewise, the Revised Industry Proposal is fully compatible with EIA-608, as well as the recently adopted EIA-744.³ However, CEMA requests the Commission to take account of the fact that the Revised Proposal presents receiver manufactures with new implementation challenges. These implementation challenges will increase significantly if the Commission elects to adopt more than one ratings system, an option suggested in the recent Technical Notice of Proposed Rulemaking (hereinafter "*Technical Notice*").⁴ Specifically, the Revised Proposal's addition of content advisory symbols will require the development of more complex blocking circuitry, and the incorporation of additional variables into the viewer interface. In addition, the Revised Proposal suggests that, after a television program begins, "[program rating] icons will appear on screen...*through the use of a display button*" [emphasis added]. Receiver manufacturers obviously have every incentive to implement program blocking technology in the most "user friendly" manner possible. However, to the extent that the Industry Proposal seeks to require manufacturers to implement a specific viewer interface, the Proposal clearly exceeds the scope of Section 551 of the Telecommunications Act.

² ANSI/EIA 608 is a voluntary industry standard which provides for the transport of program rating data on line 21 of the vertical blanking interval ("VBI").

³ EIA-744 establishes a new extended data packet (XDS) standard to transport content advisory information using the VBI.

⁴ In the Matter of Technical Requirements to Enable Blocking of Video Programming Based on Program Ratings, FCC 97-340, released September 26, 1997 [hereinafter "*Technical Notice*"]

The issues raised by the increased complexity of the Revised Proposal and the possibility of the adoption of more than one ratings system are compounded by the severely foreshortened implementation timeline set forth by the Commission in the *Technical Notice*. While CEMA will respond to the *Technical Notice* in detail, suffice it to say that the Commission's proposed July 1, 1998 implementation date for the incorporation of blocking circuitry is profoundly unrealistic.⁵

Marketplace competitiveness concerns will drive receiver manufacturers to provide V-Chip-equipped television sets to the public as quickly as possible. However, as CEMA has previously advised the Commission, television receiver production cycles will inevitably require that manufacturers be given at *least 18 months after the adoption of a final technical standard* before the decoding circuitry can be introduced into retail models.

CEMA also points out that it has taken approximately 20 months since the February 1996 enactment of the Telecommunications Act⁶ (hereinafter "the Act") for the Revised Proposal to be developed and put out for comment. Indeed, the Commission is to be commended for successfully assembling a consensus around such a highly contentious issue. However, when the Act was drafted requiring that circuitry to decode the ratings system be included in television receivers "not less than two years after the date of enactment of this Act",⁷ it is very unlikely that

⁵ *Id.* at 15.

⁶ Pub. L. No. 104-104, 111 Stat. 56 (1996).

⁷ *Id.* at §551(e)(2)

Congress foresaw that it would take the bulk of that time for NAB, NCTA and MPAA to merely reach agreement on the rating system to be proposed.

In sum, CEMA encourages the Commission to adopt the program rating elements -- as opposed to any specific viewer interface -- described in the Revised Industry Proposal. However, the arbitrary application of a July 1998 deadline is simply not realistic, given manufacturers' 18 month production cycles combined with the fact that no rating system will be adopted by the Commission until the conclusion of this proceeding. Manufacturers have every reason to incorporate V-Chip circuitry into receivers in the most expeditious, technically viable, and consumer friendly manner possible. We look forward to working closely with the Commission to devise a reasonable implementation timetable.

Respectfully submitted,

CONSUMER ELECTRONICS
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